

OFFICE OF THE GENERAL COUNSEL  
Division of Operations-Management

MEMORANDUM OM 98-105

December 23, 1998

TO: All Regional Directors, Officers-in-Charge,  
and Resident Officers

FROM: Richard A. Siegel, Associate General Counsel

SUBJECT: Web Site Access to Agency Forms

Beginning in June 1998, the Agency undertook a six-month experiment whereby charge forms were made available to the public on the Agency's Web Site on the Internet ([www.nlrb.gov](http://www.nlrb.gov)). During this time, Regions maintained records of the number of charges filed on forms downloaded from the Agency's Webpage, the merit rate of such charges and whether any problems were encountered during the experiment. The survey results from the period from June 1998 through October 1998 show the following:

- A total of 64 charges were filed in Regional Offices on forms downloaded from the Agency's Website. Approximately, 47% of the charges were filed by employers, 36% were filed by unions, and 17% were filed by individuals.
- Regions needed to make revisions in only 9% of the charge forms downloaded from the Internet.
- Of the cases which have, to date, been decided, approximately 21% of the cases were found to have merit. This compares with a 27% merit rate for charges taken through the Public Information Program in FY '98.
- Regions reported no significant problems with charge forms being available on the Agency's Website.
- Regions reported no overall change in the number of printed charge forms that they were providing to requesters.

Based on the results of this survey, we have decided to make charge forms available on the Agency's Web Site on the Internet on a permanent basis. However, we would like to continue to maintain monthly records of the number of charges filed on forms downloaded from the Internet. Please instruct your docket section to maintain a monthly record of the number of such charges and whether the charge is filed by an employer, a union or an individual. This information is needed to respond to Congress concerning our customer initiatives and to show compliance with federal law mandating that Agencies make forms available electronically. We are in the process of amending the Monthly Dispositions Report to capture this information. When CATS becomes full operational, this information will be captured by the CATS system

In addition, in January 1999, the Agency will begin a six-month experiment whereby petition forms will be available to the public on the Agency's Web Site on the Internet. The forms button on the Agency's Webpage will be updated to include the petition form. When a user clicks on this button, a screen will open containing some key instructions for completing the petition form and mailing, faxing or delivering the completed form to the appropriate Regional Office. A copy of these instructions is an attachment to this memorandum. The instructions include a reminder about submitting the showing of interest, where appropriate. Similar to the charge forms instructions, the petition form instructions encourage users to call an Information Officer in the Regional Office nearest to them for assistance in drafting or filing a petition. The petition form may then be downloaded on the user's own computer, where the form may be filled in and the completed form may be printed. The instructions provide that the completed charge form must be signed and dated and then mailed, faxed or delivered to the appropriate Regional Office. When an individual downloads the petition form, they will also automatically receive a copy of the instructions.

Charge and petition forms which are downloaded from the Internet will have the word "Internet" above the form number. In order to evaluate this six-month experiment with petitions, each Regional Office is requested to maintain records of the number of petitions filed on forms downloaded from the Internet, and whether it was necessary to contact a party to revise the petition on forms downloaded from the Agency's Website before the petition was docketed. Attached to this memorandum is a survey that all Regional Offices will be asked to complete and to return to Operations on June 8, 1999.

If during this experiment any issues arise with respect to the volume of petitions filed, please contact DAGC Jim Paulsen (202-273-2894) who will attempt to address these concerns.

Any questions concerning this memorandum should be directed to me or your Assistant General Counsel or Deputy.

/s/  
R.A.S.

cc: NLRBU  
Release to the Public

MEMORANDUM OM 98-105

**PLEASE REVIEW THE FOLLOWING  
IMPORTANT INFORMATION  
BEFORE FILLING OUT A PETITION FORM!**

- Please call an Information Officer in the Regional Office nearest you for assistance in filing a petition. The Information Officer will be happy to answer your questions about the petition form or to draft the petition on your behalf.
- Check one of the boxes listed under Question 1 representing the purpose of the petition: RC—a union desires to be certified as the bargaining representative of employees; RM—an employer seeks an election because one or more individuals or unions have sought recognition as the bargaining representative, or based on a reasonable belief supported by objective considerations that the currently recognized union has lost its majority status; RD—employees seek to remove the currently recognized union as the bargaining representative; UD—employees desire an election to restrict the union's right to maintain a union shop clause; UC—a labor organization or an employer seeks clarification of the existing bargaining unit; or AC—a labor organization or an employer seeks an amendment of a certification issued in a prior Board case.
- Under Question 5, please carefully describe the bargaining unit involved in the petition, listing the job classifications included in the unit and the job classifications excluded from the unit.
- After completing the petition form, be sure to sign and date the petition and mail, fax or hand deliver the completed petition form to the appropriate Regional Office.
- The filing of a petition seeking certification or decertification of a union should be accompanied by a sufficient showing of interest to support such a petition—i.e., a showing that 30% or more of the employees in the bargaining unit seek to be represented by the union or seek to decertify the currently recognized union. If the original showing is not sent to the Region with the filing of the petition, a party must deliver the original showing of interest to the Region within **48 hours** after the filing of the petition, but in no event later than the last day on which a petition may be timely filed.
- Be sure to include telephone and fax numbers of the parties since this will be a significant aid to the processing of the petition.
- Be sure to include the name and address of any other labor organization or individuals known to have a representative interest in any of the employees in the unit described in Question 5 of the petition.
- A petition should be filed with the Regional Office where the bargaining unit exists. If the bargaining unit exists in two or more Regions, it can be filed in any of such Regions. An Information Officer will be happy to assist you in locating the appropriate Regional Office in which to file your petition.

**Regional Office Survey**  
**Petitions Filed on Forms Downloaded from the Agency's Website**

In order to evaluate the six-month experiment making petition forms available on the Agency's Website, please keep records that will allow you to answer the following questions after five months under this experiment. This completed form should be returned to the Division of Operations-Management, Attn: Jim Paulsen, DAGC by June 8, 1999.

**Region** \_\_\_\_\_

1. From January 1999 to the end of May, 1999, the Region has received the following total number of petitions for filing on forms down loaded from the NLRB's Website (**Note:** Petition Forms available on the Agency's Website contain the word "**Internet**" above the form number.):

This represents approximately \_\_\_\_% of the petitions filed during this period.  
 The number of petitions filed on Internet forms break down as follows:

\_\_\_\_RC    \_\_\_\_RM    \_\_\_\_RD    \_\_\_\_UC    \_\_\_\_AC

2. Of the total petitions received in the Region on forms downloaded from the Agency's Website. the following number of petitions required the Region to contact the party filing the petition to revise the petition before it was docketed or disposed of by the Region:

3. If you have any other observations regarding the availability of petition forms via the Internet, please note below. Please be specific (For more space, use the back of this form.)

4. During this same period, the Region's general experience is that it received requests from employer, unions or individuals for petition forms at the following rate as compared with the same period prior to the experiment (Check One):

\_\_\_\_More            \_\_\_\_Same            \_\_\_\_Less